

## **REMARKS**

The Office Action dated July 2, 2007 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Following the current amendment, claims 1-2, 4, 6-14, 16-19, and 21-35 are currently pending for consideration, of which claims 1, 19, 34, and 35 are independent. In particular, Applicants amended 1, 2, 4, 6-14, 16-19, 21, and 22. Applicants have further cancelled claims 3, 5, 15, and 20 without disclaimer or prejudice and added new claims 23-35. It is respectfully submitted that the amendment added no new subject matter to the present application and serves only to more particularly point out and distinctly claim the invention. Applicants urge that all grounds for rejection in the Office Action have been addressed and that the present application is currently in condition for allowance in view of the amendment and the following arguments. Therefore, entry of the amendment and reconsideration of claims are respectfully requested.

### **Rejection of the Claims under 35 U.S.C. §102(e)**

*The Office Action rejected claims 1 through 22 under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,415,323 (McCanne). According to the Office Action, McCanne allegedly discloses all recitations of these claims. However, as will be discussed below, each of the pending claims recites subject matter which is neither*

*disclosed nor suggested in McCanne. Applicants respectfully traverse this rejection and request that this rejection be withdrawn in view of the following arguments.*

Independent claim 1, from which claims 2, 4, 6-14, 16-18 depend, recites a method that includes providing a service with a service process in a server. A service-specific anycast address is configured to a server interfaces on a communication link via which the server receives messages from a router or other servers. Furthermore, the service process and the service-specific anycast address configured interface are monitored. Then, the service process and the need for an advertisement message are scheduled, wherein the scheduling is configured to take advertisement messages received to the service-specific anycast address from other servers into account in determining the need for an advertisement message. Also, an advertisement message is sent when the service process is able to provide the service via the communication link to all other servers in response to the scheduling.

Independent claim 19, from which claims 21-33 depend, recites an apparatus that includes a service process configured to provide service on a communication link via which the server is adapted to receive messages from a router or other servers. A service-specific anycast address in the apparatus is configured to a server interface on the communication link. A monitoring means for monitors the service process and the service-specific anycast address configured interface. A service scheduling means schedules the service process and a need for an advertisement message. These service scheduling means are configured to take into account, when determining the need for an

advertisement message, any advertisement messages received to the service-specific anycast address from other servers. A sending means sends an advertisement message when the service process is able to provide the service via the communication link to all other servers in response to the scheduling of the service scheduling means.

Independent claim 34 relates to a computer program embodied on a computer readable medium. The computer readable medium stores code that includes computer executable instructions that includes providing a service with a service process in a server. A service-specific anycast address is configured to a server interface on a communication link via which the server receives messages from a router or other servers. The service process and the service-specific anycast address configured interface are monitored. The service process and the need for an advertisement message are scheduled. In particular, the scheduling takes advertisement messages received to the service-specific anycast address from other servers into account when determining the need for an advertisement message. Then, an advertisement message is sent when the service process is able to provide the service via the communication link to all other servers in response to the scheduling.

Independent claim 35 is directed to a server that is configured to provide a service with a service process and to configure a service-specific anycast address to a server interface on a communication link via which the server receives messages from a router or other servers. Moreover, the server is further configured to monitor the service process and the service-specific anycast address configured interface. The server is

additionally configured to schedule the service process and the need for an advertisement message, wherein the scheduling is configured to take advertisement messages received to the service-specific anycast address from other servers into account in determining the need for an advertisement message. The server then sends an advertisement message when the service process is able to provide the service via the communication link to all other servers in response to the scheduling.

Applicants submit that the above-noted independent claims recite subject matter that is not taught or disclosed by McCanne.

McCanne relates to a proximity-oriented redirection system for service-to-client attachment in a virtual overlay distribution network. The solution includes a “redirector” coupled to at least one of the addressable routers and includes: logic for accepting a service request from a client; logic for determining a selected server for handling the service request, the selected server being one of a plurality of servers that can handle the service request; and logic for generating a redirection message directed to the client for redirecting the service request to the selected server.

In particular, McCanne concentrates on the functions of a redirector. The redirector is the element that distributes service requests between different service nodes (that actually provide the service). Arguably, the corresponding element in the present application would be the router, which is connected to a plurality of servers via a communication link. Thus, the solution disclosed by McCanne relates to load balancing

with the redirector. See, for example, McCanne at col. 13, lines 14-17 and 21-23, as well as the issued claims.

Applicants urge that McCanne does not anticipate the embodiments of the invention disclosed in the present application. To expedite prosecution and allowance of the present application, Applicants have amended the claims to more clearly describe the functions of a server providing a service. In particular, the claim 1 recites that each server schedules the sending of an advertisement message and takes into account in the scheduling advertisement messages received from other servers via the communication link. In contrast, McCanne simply does not teach or disclose any special functionality in the servers providing the service. In other words, McCanne does not teach that the load balancing is actually implemented in the servers because the router acts in response to the advertisement messages from the other servers.

In addition, claim 1 recites also that the service scheduling means are configured to take into account, in determining the need for an advertisement message, advertisement messages received to the service-specific anycast address from other servers. Thus, the load balancing functionality is achieved by the functionality of the server farm servers rather than in the router functionality. This recited aspect of the embodiment of claim 1 is also not disclosed or suggested in McCanne.

Furthermore, in the recited embodiment of claim 1, the load balancing is actually performed by the servers themselves. In particular, the recited embodiment of claim 1 achieves the load balancing functionality through the operation of the server farm servers.

McCanne does not provide any teaching toward such a solution and, instead, discloses a solution based on a router (*i.e.*, redirector) functionality, as described above. Accordingly, the recited solution of claim 1 is significantly different from the teachings of McCanne.

In summary, McCanne neither discloses nor suggests each and every of the recited features of claim 1. For at least this reason, Applicants urge that the rejection of claim 1 in view of McCanne is clearly improper since this cited reference fails to teach or suggest each and every limitation recited in claim 1. Withdrawal of this rejection of claim 1 and reconsideration of this claim in view of these arguments are respectfully requested. Likewise, claims 2, 4, 6-14, and 16-18 depend from claim 1 and should be allowable over McCanne.

Likewise, independent claim 19, although different in scope from claim 1 and rejected on different grounds, likewise contains similar recitations related to the steps for server to provide a service. Thus, McCanne similarly fails to teach or suggest each and every limitation recited in claim 19, and for at least this reason, Applicants urge that the rejection of claim 19 in view of McCanne is clearly improper. Withdrawal of this rejection of claim 19 and reconsideration of this claim in view of these arguments are respectfully requested. Likewise, claims 20-22 and new dependent claims 23-33 depend from claim 19 and are also be allowable over McCanne on the same basis.

Also, new independent claims 34 and 35, although different in scope from claims 1 and 19 contains similar recitations related to the functions of a server providing a

service. Thus, McCanne similarly fails to teach or suggest each and every limitation recited in claims 34 and 35, and for at least this reason, Applicants request consideration and allowance of claims 34 and 35.

As discussed above, each of the pending claims 1-2, 4, 6-14, 16-19, and 21-35 are currently pending for consideration, including independent claims 1, 19, 34, and 35, recites subject matter which is neither disclosed nor suggested in the cited references. Applicants submit that the recited subject matter is more than sufficient to render the invention non-obvious to a person of ordinary skill in the art. It is respectfully requested that independent claims 1, 19, 34, and 35 and the related dependent claims be allowed in view of the above arguments, comments, and remarks and that the present application be allowed to pass to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for Extension of Time  
Additional Claim Fee Transmittal  
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